

**CITY PLANNING BOARD**

**Springfield, Ohio**

**Monday, January 13, 2020**

**7:00 P.M.**

**City Forum, City Hall**

**Meeting Minutes**

**(Summary Format)**

Chairperson Charlene Roberge called the meeting to order at 7:00 P.M.

MEMBERS                      Mr. Alex Wendt, Ms. Trisha George, Mr. Charles Harris, Ms. Amanda Fleming, Mr. James Smith, Mr. Jack Spencer, Mr. Shankar and Ms. Charlene Roberge.

MEMBERS ABSENT:        None.

OTHERS PRESENT:        Stephen Thompson, Planning, Zoning, and Code Administrator and other interested parties.

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**SUBJECT: Meeting Minutes Approval –November 14, 2019**

Ms. Roberge asked for a motion.

Mr. Shankar made a motion to approve the minutes. Seconded by Mr. Wendt.

The minutes were approved by voice vote.

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**Case # 19-Z-14 OPD-H Amendment Request from Derby Glen LLC to amend an approved OPD-H plan for Derby Ct to not install public sidewalks.**

Mr. Thompson gave the staff report.

Ms. Roberge asked if there were any objections.

Mr. Thompson stated there were no objections.

Ms. Roberge stated for the record property owners were responsible for fixing and maintaining sidewalks per city code.

Mr. Thompson stated that was correct and if the property owners fail to maintain or fix the sidewalk, a contractor would be hired to do so and the property owner would be billed and it would be assessed to the property tax.

Ms. Fleming questioned why the existing sidewalks were told to be removed prior to

construction.

Mr. Thompson stated the side walk was removed to construct the street, the entrance to the development.

Ms. Roberge asked if there were any further questions for the Mr. Thompson. Hearing none, Ms. Roberge asked if the applicant or the applicant's agent wished to speak.

Mr. Jim Pfeifer, attorney for Derby Glen, explained the location of where the sidewalks previously were. Mr. Pfeifer explained all of the lots were very small, especially in the front. They are less than a quarter size of a normal single family home. Mr. Pfeifer explained all of the property owners were against installing sidewalks. Mr. Pfeifer explained the sidewalks would take up a considerable amount space and the properties were very similar to condos. Mr. Pfeifer explained over half of the residents in the Roscommon area do not have sidewalks.

Ms. Roberge stated when the development was created it was stated that there had to be sidewalks, everybody knew that the sidewalks would have to be put in.

Mr. Pfeifer explained that the city had an assessment program for impervious surfaces, the storm water drainage system the city has installed would be affected if the sidewalks go in and he believed that's why staff recommended the sidewalks do not go in. Mr. Pfeifer stated that was one reason the owner did not want the sidewalks to go in and also the individual properties owners were not in favor of the sidewalks going in.

Ms. Roberge asked why the property owners and developer shouldn't have to follow the rules like everyone else.

Mr. Pfeifer explained the development was different than any other development in Springfield and they were much smaller.

Mr. Shankar questioned what changed. Mr. Shankar stated there was an understanding between the city and the developer that the sidewalks would be constructed before two thirds of the homes were built or before October 31, 2019. Mr. Shankar stated the rules states everybody in the city has to have sidewalks.

Mr. Pfeifer stated the new development about the pervious surface issue is what changed. Mr. Pfeifer also stated the development was one of the ones where one hundred percent of the property owners do not want sidewalks.

Mr. Shankar stated rules are rules and apply to everyone, does not matter if a group of people do not want to follow them.

Mr. Pfeifer stated they were following the rules and the sidewalks would cause an unnecessary hardship for the property owners.

Mr. Roberge stated every other homeowner in Springfield has to have sidewalks and they may not want them either. Why should this new development not have to follow the rules?

Mr. Pfeifer stated the buildings are very close.

Mr. Roberge stated the development was approved with sidewalks and now the lots are too small. Ms. Roberge gave some examples of how not enforcing the sidewalks would be unfair to the rest of the citizens in Springfield.

Mr. Pfeifer suggested the developer may have a comment.

Mr. Harris asked if the property owners wanted to take a walk, they would have to walk in the road.

Mr. Pfeifer stated that was correct, on a private road.

Mr. Shankar stated an obligation was made for the sidewalks to be put in and asked where the logic was for the board to allow the developer to not put the sidewalks in due to the property owners not wanting them.

Mr. Pfeifer stated the pervious surfaces and the size of the lots.

Ms. Roberge explained the city engineers do not recommend the sidewalks not being put in and they were supposed to be put in by October 31, 2019.

Mr. Wendt stated the request had been previously unanimously denied and questioned what had fundamentally changed from then and now.

Craig Crossley, building developer and home owner, stated it was known from the beginning that one of the twenty or more conditions for approval of the subdivision was sidewalks. Mr. Crossley stated the team made a decision that they were not going to stop the development over one condition out of twenty. Mr. Crossley stated it was made known the condition of the sidewalks from the original meeting. Mr. Crossley stated he went to planning and zoning and the City Commission to let them know they were getting real feedback as property owners were moving in and they do not want sidewalks. Mr. Crossley explained the process he has went through trying to make the street public and not private. Mr. Crossley stated he was told he would need to get a variance in order to not put the sidewalks in. Mr. Crossley stated that's why he was there. Mr. Crossley stated the development is a senior community and was developed to be a small community on small lots. Mr. Crossley explained there was a new wave moving through and he was part of it. Mr. Crossley explained the styles of homes being built and explained how they were different from any other place in Springfield. Mr. Crossley said they had not broken any rules since the beginning and are just asking for a variance to not put in the sidewalks.

Ms. Roberge stated no one on the board was questioning the beauty of the home the applicant built, however, what is still in question is the rule. Ms. Roberge stated if they made an exception for the sidewalk to not go in, the next person and the next person are going to want the exception as well and that would set a precedent. Ms. Roberge stated that she felt unsure that setting that precedent was the correct thing to do because the city engineer and the fire department are both saying no and is most likely a safety issue. Ms. Roberge pointed out that the request had been made before and denied several times. Ms. Roberge stated she was unsure of what had changed from the original application to the present to make is justifiable to not put sidewalks, other than your just different.

Mr. Crossley stated he didn't believe they were so different, just that the surrounding homes were not required to have sidewalks. Mr. Crossley pointed out that the lots were much larger in size than the ones he had developed. Mr. Crossley stated they definitely felt that the development was much different than anywhere else in Springfield.

Mr. Harris stated that the applicant has stated the development is unique, but nothing has changed from the original application. Mr. Harris stated he could not see himself voting for something to change because of few people want something different when everyone else in the city is doing it.

Mr. Crossley stated there was no denying the sidewalks were required when the development was approved. 19 out of the 20 have been met and this is the only condition they want to change. Mr. Crossley stated they were told they would have to go through the process the change the sidewalk requirement and that's why they were in front of the board. Mr. Crossley stated he was there with real people that were tax payers.

Mr. Smith asked how much distance was between lot line to lot line or house to house.

Mr. Crossley stated there were typically five feet from the side of the house to the property line, totaling ten feet between the houses for the most part.

Mr. Smith questioned if the fire department had any concerns about the original proposal. Mr. Smith stated a fire truck needed to be able to get through in case of emergency.

Mr. Crossley stated the buildings were 42 feet wide and 78 feet long. Mr. Crossley explained a site had to be engineered so a fire truck could make a radius. Mr. Crossley explained they local fire department had to make a determination based off the amount of fire hydrants and equipment. Mr. Crossley stated there was no issue with the closeness of the buildings.

Ms. Fleming stated he concern would be the future of the development if there would be a need for sidewalks if a family with kids moved in. Ms. Fleming questioned if the development would always be geared towards a senior community.

Mr. Crossley explained that they had figured out the buyer profile demographic for the type of homes they built and the homes were designed for senior living. The space is not big enough for playground or kids.

Ms. Roberge stated the property owners may have grandchildren that would visit.

Mr. Crossley stated they do.

Ms. Roberge questioned if the property owners were led to believe that they would not have sidewalks.

Mr. Crossley stated the sidewalks had been talked about and the goal was to not have sidewalks.

Ms. Roberge questioned if Mr. Crossley ever planned to have sidewalks knowing it was a requirement from the city.

Mr. Crossley stated the idea of no sidewalks developed as the homes were being built.

Mr. Shankar stated there was a requirement from the fire department that was a safety issue and that he was concerned for the resident's safety.

Mr. Crossley stated he was surprised by the fire department having safety concerns and that it was never brought up before.

Ms. Roberge stated the original plan had sidewalks and there were no concerns. Now the plan is to not have sidewalks and there are concerns.

Mr. Pfeifer stated the fire department was not concerned about the sidewalks. Mr. Pfeifer stated they are unsure what the concern is for. Mr. Pfeifer stated that the zoning code allows changes to be made when something is different or deviates from the code, it just needs approval. Mr. Pfeifer stated almost everyone was on board with not having sidewalks. Mr. Pfeifer stated the board was there, for circumstantial instances where projects deviate from the norm and the board can make that decision.

Ms. George stated most of the area in Roscommon do not have sidewalks and she felt that the higher density areas would make more sense to have sidewalks. Ms. George asked if the majority of the area was inside the city limits.

Mr. Pfeifer stated it was all inside the city limits.

Ms. George questioned why there were no sidewalks.

Ms. Roberge asked Mr. Thompson to explain why there were no sidewalks.

Mr. Thompson stated he was unsure and was unable to speak as why there are no sidewalks.

Ms. George tried to find an aerial view of the area.

Mr. Spencer stated he felt the statements made by the applicants make sense and was not sure why there was a struggle to approve the sidewalks not going in. Mr. Spencer stated it was a senior community and it was not part of a continuous neighborhood, they would not be leaving the neighborhood to take the kids on a walk.

Mr. Pfeifer stated that was a self-contained neighborhood, one way in and one way out.

Mr. Spencer stated he would understand if it was not a self-contained neighborhood, continuous sidewalks are needed in communities like that. Mr. Spencer also pointed out there were no sidewalks in the areas surrounding the development. Mr. Spencer stated that he agreed the new concept that Mr. Crossley brought to Springfield was needed and he didn't feel like sidewalks were need in the development. Mr. Spencer stated he did not see the connection with the sidewalks and the fire department.

Mr. Smith stated he and his wife walk two miles every day and would not want to walk in the road.

Mr. Spencer explained that the development would not be a place that Mr. Smith would by a

house because it does not suit his needs, same goes for a small family with kids. Mr. Spencer stated the proposal makes perfect sense to him and he was struggling as to why the board would not approve the variance. Mr. Spencer stated the city denied the request in 2013. Mr. Spencer stated they were following the law, they applied to get a variance and that's what they were told to do if the sidewalks did not meet the needs of the development. Mr. Spencer stated they had a right to ask for the change and to apply for the variance.

**MOTION:** Motion by Mr. Spencer to table Case # 19-Z-14 OPD-H Amendment Request from Derby Glen LLC to amend an approved OPD-H plan for Derby Ct to not install public sidewalks. Seconded by Mr. Harris.

**YEAS:** Mr. Wendt, Ms. Fleming, Mr. Spencer, Ms. George, Mr. Harris, Mr. Smith, Mr. Shankar, and Ms. Roberge.

**NAYS:** None.

Approved by roll call vote 8 to 0.

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**Case # 19-SUB-03 Subdivision Request from Derby Glen LLC to amend an approved subdivision plan for Derby Ct to not install public sidewalks.**

**MOTION:** Motion by Ms. George to table Case # 19-SUB-03 Subdivision Request from Derby Glen LLC to amend an approved subdivision plan for Derby Ct to not install public sidewalks. Seconded by Mr. Wendt.

**YEAS:** Mr. Wendt, Ms. Fleming, Mr. Spencer, Ms. George, Mr. Harris, Mr. Smith, Mr. Shankar, and Ms. Roberge.

**NAYS:** None.

Approved by roll call vote 8 to 0.

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**SUBJECT:** Appoint CEDA Representative

Motion: Motion by Ms. George to reappoint Ms. Roberge as the CEDA representative. Seconded by Mr. Smith.

**YEAS:** Mr. Wendt, Ms. Fleming, Mr. Spencer, Ms. George, Mr. Harris, Mr. Smith, Mr. Shankar, and Ms. Roberge.

**NAYS:** None.

Approved by roll call vote 8 to 0.

**SUBJECT:** Elect Chairperson

**MOTION:** Motion by Mr. Shankar to elect Ms. Charlene Roberge as the Chairperson for the City Plan Board. Seconded by Mr. Smith.

**YEAS:** Mr. Wendt, Ms. Fleming, Mr. Spencer, Ms. George, Mr. Harris, Mr. Smith, Mr. Shankar, and Ms. Roberge.

**NAYS:** None.

Approved by roll call vote 8 to 0.

**SUBJECT:** Elect Vice-Chairperson

**MOTION:** Motion by Mr. Wendt to elect Mr. Jack Spencer as the Vice Chairperson for the City Plan Board. Seconded by Mr. Smith.

**YEAS:** Mr. Wendt, Ms. Fleming, Mr. Spencer, Ms. George, Mr. Harris, Mr. Smith, Mr. Shankar, and Ms. Roberge.

**NAYS:** None.

Approved by roll call vote 8 to 0.

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**SUBJECT:** Board Comments

None.

**SUBJECT:** Staff Comments

None.

**SUBJECT:** Adjournment

Motion to adjourn by Ms. George. Seconded by Mr. Smith.

Approved by voice vote. Adjourned at 7:53 P.M.

<i>Charlene Roberge</i>	dotloop verified 02/26/21 1:45 PM EST 3PY2-QUWN-5QVB-EDUP
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Ms. Charlene Roberge, Chair  
Mr. Ravi Shankar, Vice-Chairperson.